



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

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January 31, 2014

Lake Wenatchee Water District
c/o Marc Marquis
Peterson & Marquis Law Office
1227 First Street
Wenatchee, WA 98801

RE: Water Right Change Application No. CS4-SWC9776 (CHEL-12-07)

In accordance with RCW 90.80.080 the Department of Ecology (Ecology) has reviewed the Record of Decision (ROD), Report of Examination (ROE), and all comments, protests, objections and other relevant information submitted by the Chelan County Water Conservancy Board (the Board) for the above referenced application for change.

Ecology has **modified** the decision of the Board and the proposed change/transfer of water right is **approved** under the following conditions:

Summary of Ecology's Final Order

MAXIMUM CUB FT/ SECOND		MAXIMUM GAL/MINUTE		MAXIMUM ACRE-FT/YR		TYPE OF USE, PERIOD OF USE	
0.10		45		4.4		Municipal, continuous	
SOURCE					TRIBUTARY OF (IF SURFACE WATER)		
Two (2) wells					Lake Wenatchee		
¼	¼	SECTION	TOWNSHIP N.	RANGE	WRIA	COUNTY.	
NW	SE	18	27N	17 EWM	45	Chelan	
NE	SE	13	27N	16 EWM			
AT A POINT LOCATED: PARCEL NO.							
271718400050 271613410050							
LEGAL DESCRIPTION OF PROPERTY ON WHICH WATER IS TO BE USED AS APPROVED BY THE BOARD							
The place of use (POU) of this water right is the service area described in the most recent Water System Plan/Small Water System Management Program approved by the Washington State Department of Health, so long as <u>Lake Wenatchee Water District</u> is and remains in compliance with the criteria in RCW 90.03.386(2). RCW 90.03.386 may have the effect of revising the place of use of this water right.							
PARCEL NO.		¼	¼	SECTION	TOWNSHIP N.	RANGE,	



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DEVELOPMENT SCHEDULE		
BEGIN PROJECT BY THIS DATE:	COMPLETE PROJECT BY THIS DATE:	WATER TO PUT TO FULL USE BY THIS DATE:
Project started	2022	2032

Ecology has **MODIFIED** the decision of the Board as follows:

The Board's decision has been modified as noted in the table above:

- 1) The Board's tentative determination is revised to reflect a maximum instantaneous quantity (Qi) of 0.10 cfs (45 gpm), and an annual quantity (Qa) of 4.4 acre-ft/yr. The revision is based upon the documentation provided by the Board and details provided in the 2011 Lake Wenatchee Water District Water System Plan.

Surface Water Certificate SWC 9776 issued to Lester Addition Water Company with a priority date of August 15, 1963. The stated purpose of use on the Certificate is "for community domestic supply." A maximum annual quantity is not specified on the Certificate. The quantity of water authorized is stated as "an amount actually beneficially used and shall not exceed 0.10 cubic feet per second."

The description of the Lester Addition Water Company water system provided in the 2011 Lake Wenatchee Water District (LWWD) Water System Plan (WSP) indicates that the system was designed to divert surface water Barnard Creek under gravity flow. The WSP confirms that the Lester Addition water system is limited to 10 connections, of which one (1) is a full time residence (pg. 1-9 and Appendix P). The WSP describes the Lester Addition water system as a Group B system served by a surface water diversion with no storage capacity. The system delivers water through a 4-inch collector pipe of unspecified length and 2000 feet of 2-inch steel pipe. The ROE states that in 2011 the Lester system abandoned the surface diversion and connected to the Whispering Pines water system. The connection was authorized by a letter from the Department of Health (DOH).

Ecology finds that the Lester water system does not conform to the definition of a municipal water system as provided under RCW 90.03.560 and further defined in RCW 90.03.015, nor has the purpose of use for the water right been changed from community domestic supply to a municipal purpose of use under RCW 90.03.380. RCW 90.03.380 authorizes the transfer of water that has been put to actual beneficial use within the terms and conditions of the water right. Therefore, the extent and validity of SWC9776 is limited by the extent to which the right has been put to actual beneficial use, not to exceed a Qi of 0.10 cfs. Further, SWC9776 is a Certificate of water right, and as such, there are no inchoate quantities that will be subject to future development.

Verifiable data on which to base a tentative determination of the extent and validity of Surface Water Certificate SWC9776 appears to be unavailable. Two partial years of metering records were provided by the Board, but the ROE does not explain the extent of either "partial" year of data provided. Of the two years, the record for 2013 shows the

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greatest quantity of water used. The record for 2013 represents water use that occurred after the gravity-fed diversion was abandoned and the system was connected to the pressurized Whispering Pines system. The record for 2013 indicates that 1,180,255 gallons, or 3.62 acre-ft., were used that year. The LWWD WSP describes the average quantity of water used as 390 gallons per day per connection, for a total of 129 connections district-wide (pg. ES-2). Assuming each of the 10 cabins connected to the Lester system used the district-wide average of 390 gallons per day on a year-round basis, the system would need to deliver 4.37 acre-ft/yr. This estimate likely errs on the high side because only one (1) of the 10 cabins is reported to be utilized on a full time basis (LWWD WSP pg. 1-9).

Consideration of the available facts and data supports a best-estimate calculation based on the district-wide average of 390 gallons per day. Ecology's tentative determination of the extent and validity of the right is for a maximum instantaneous quantity (Q_i) of 0.10 cfs (45 gpm) and an annual quantity (Q_a) of 4.4 acre-ft/yr.

- 2) A maximum withdrawal rate of 45 gallons per minute (gpm) is added to the table. The surface water diversion on Barnard Creek is no longer an authorized point of withdrawal and the instantaneous flow (Q_i) from a well is generally metered in gallons per minute. The equivalent value of 45 gpm is added to the table for clarity and convenience in complying with the metering requirements. Either unit of measurement (cfs or gpm) remains valid for describing the Q_i for this right.

YOUR RIGHT TO APPEAL

You have a right to appeal this decision to the Pollution Control Hearings Board (PCHB) within 30 days of the date of receipt of this decision. The appeal process is governed by chapter 43.21B RCW and chapter 371-08 WAC. "Date of receipt" is defined in RCW 43.21B.001(2).

To appeal you must do the following within 30 days of the date of receipt of this decision:


- File your appeal and a copy of this decision with the PCHB (see addresses below). Filing means actual receipt by the PCHB during regular business hours.
- Serve a copy of your appeal and this decision on Ecology in paper form - by mail or in person. (See addresses below.) E-mail is not accepted.

You must also comply with other applicable requirements in chapter 43.21B RCW and chapter 371-08 WAC.

ADDRESS AND LOCATION INFORMATION

Street Addresses	Mailing Addresses
Department of Ecology Attn: Appeals Processing Desk 300 Desmond Drive SE Lacey WA 98503	Department of Ecology Attn: Appeals Processing Desk PO Box 47608 Olympia WA 98504-7608
Pollution Control Hearings Board 1111 Israel Road SW, Ste 301 Tumwater WA 98501	Pollution Control Hearings Board PO Box 40903 Olympia WA 98504-0903

For additional information visit the Environmental Hearings Office Website: <http://www.eho.wa.gov>
To find laws and agency rules visit the Washington State Legislature Website: <http://www.leg.wa.gov/CodeReviser>



Mark Kemner, LHG, Section Manager
Water Resources Program
Central Region Office

MK:MD:ss/140132

Enclosures: Your Right to Be Heard
Construction Notice

By Certified Mail: 7010 0290 0000 7126 5695

cc: Mark Dunbar, Department of Ecology, Central Region Office (email pdf)
Lisa De Vera, Chelan County Conservancy Board
Lake Wenatchee Water District
Philip Rigdon, Director Natural Resources Division Yakama Nation
Lois Trevino, Water Administrator, Colville Confederated Tribes